

REMARKS

In response to the Office Action dated September 30, 2005, Applicant has amended the claims to place them in better condition for allowance. In reviewing the claims, it is noted that an unfortunate error in Claim 4 has understandably confused the Examiner. That claim and claim 9 have been amended to correspond to the drawing and specification. The corners are now defined, (as shown in the drawing) by reciting that the corners are at the intersection of the side edge containing the slit and the top and bottom edges, as the Examiner suspected.

In connection with the rejection of Claim 10, it is believed that the current amendment to Claims 9 and 10 give sufficient structural definition to the invention and, is consistent with the scope of the invention as disclosed.

It is believed that the Section 112 rejections are now overcome by the instant amendment.

Art-Based Rejections

In paragraph 12 of the Office Action, claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al. (1,793,243). The Applicant respectfully traverses the rejections, however, in order to expedite prosecution, the Applicant has amended claim 1 for clarification. The Applicant respectfully submits that the claims are patentable in light of the clarifying amendments above and the arguments below.

Peterson differs because the slit in Peterson is made in the top edge of the Peterson structure. Applicant specifically claims a slit in a side edge. When applicant's towel is held by the two corners and the slit side edge uppermost, a natural acute v angle is created into which the

neck of the wearer is intended to fit. A similar result can be seen in Figure 1 of Farber, but with the slit placed in the top rather than the side edge. This is a failure of all of the Section 102 references in that they neither suggest nor anticipate placing a slit in a side edge.

The slit in Peterson is composed of perforations that allow the user to rip and tear the slit to their liking. The user of Peterson's invention is required to tear the reinforcing strip as to create a slit. The present invention does not include a frangible adjustable slit that must be torn in order to encircle the neck. The present invention has a slit that allows areas of the towel to drop down and create a "v" shape in order to effectively cover a person without the need for tearing or adjustment.

In paragraph 13 of the Office Action, claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by Richmond (2,526,505). The Applicant respectfully traverses the rejections. As amended, the claims distinguish over this reference for the reasons set out above. Richmond, too, places his slit or cutout in the top edge, not the side edge as required by the claims. There is no teaching or suggestion in Richmond to place the slit in a side edge and accordingly, Richmond does not anticipate the amended claims.

In paragraph 14 of the Office Action, claims 1, 3, 4 and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by Farber et al. (3,329,969). The Applicant respectfully traverses the rejections. As noted above, Farber, too, places his weakened perforated line in the top edge and nowhere suggests the side edge location disclosed and claimed by applicant.

In paragraph 15 of the Office Action, claims 1 – 4 and 6 – 7 were rejected under 35 U.S.C. 102(b) as being anticipated by Rowe et al. (3,332,547). The Applicant respectfully

traverses the rejections for the same reasons set out above. As with the other references, the Rowe slit is in the top edge of his device, not the claimed side edge of the amended claims.

In paragraph 17 of the Office Action, claims 3, 5, 8, 9, 11, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. in view of Kahn (4,660,225). The Applicant respectfully traverses the rejections,

Even if Peterson and Kahn were combined, they would not yield the present invention. Neither teaches nor suggests the opening in a side edge. Both show the opening in the top edge and there is nothing in their combination that would result in the amended claims of the present application. Applicant has found a new and useful way to configure a towel and has claimed his discovery. The references fail to anticipate applicant's invention and are distinguishable. Moreover, neither teaches the combination suggested by the Examiner. A combination in the exercises of hindsight, is not appropriate.

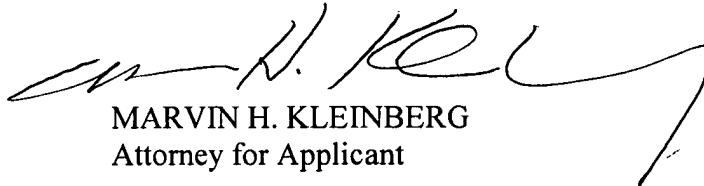
The other rejections based upon 35 USC Section 103 are combinations that do not result in the inventions of the presently amended claims. It is not believed necessary to go into a point by point refutation. It is sufficient that the amended claims are not found in the references or in any teaching or suggestion of the references.

It is desirable to have a towel with a slit that allows it to be easily placed around a customer without clumping or bunching. Such a towel will allow users to have less laundry costs, lower costs to purchase, and a more presentable appearance. This advantage provides additional benefits for people in the hair salon industry at a substantial savings.

Conclusion

It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe that there are matters relating to this continuation application remaining that can be resolved in a telephone interview, the Examiner is urged to call the Applicants' undersigned attorney.

Respectfully submitted,



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